

SENATE BILL NO. 82

INTRODUCED BY KITZENBERG, ELLIOTT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN ONGOING SOURCE OF FUNDING FOR THE
5 OPERATIONS, MAINTENANCE AND ESTABLISHMENT, CAPITAL EXPENDITURES, AND ACQUISITION OF
6 STATE PARKS THROUGH AN ANNUAL LEVY NOT TO EXCEED 2 MILLS ON ALL TAXABLE PROPERTY IN
7 MONTANA; ELIMINATING STATE PARK DAY-USE FEES FOR RESIDENTS; PROVIDING THAT THE
8 PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE STATE OF MONTANA;
9 AMENDING SECTION 23-1-105, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY
10 DATE."

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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14 NEW SECTION. Section 1. Tax levy for support of state parks. (1) Subject to 15-10-420, FOR THE
15 PERIOD ENDING DECEMBER 31, 2014, there is levied annually upon the taxable value of all real estate and personal
16 property subject to taxation in the state of Montana 2 mills or so much of 2 mills as is necessary to raise the
17 amount appropriated by the legislature from the state special revenue fund for the maintenance and
18 establishment of state parks. The funds raised from this levy must be placed in the state special revenue fund
19 to the credit of the department of fish, wildlife, and parks.

20 (2) ONE-HALF OF THE FUNDS IN THE STATE SPECIAL REVENUE FUND MUST BE ALLOCATED EQUALLY TO
21 ADMINISTRATIVE REGIONS, AND THE REMAINDER MUST BE ALLOCATED BY THE COMMISSION. THE FUNDS ALLOCATED BY
22 ADMINISTRATIVE DISTRICTS MUST BE USED FOR STATE PARK PURPOSES WITHIN THOSE DISTRICTS. THE FUNDS MUST BE
23 USED FOR THE OPERATION, MAINTENANCE, CAPITAL EXPENDITURES, AND ACQUISITION OF STATE PARKS.

24 (3) THE FUNDING AUTHORIZED BY THIS SECTION IS A REPLACEMENT FOR RESIDENT DAY-USE FEES FOR STATE
25 PARKS.

26 (4) FOR THE PURPOSES OF 15-23-703 AND 15-36-324, THE LEVY AUTHORIZED BY THIS SECTION IS NOT
27 CONSIDERED A STATE LEVY FOR THE DETERMINATION AND DISTRIBUTION OF NONLEVY REVENUE BASED UPON RELATIVE
28 PROPORTIONS OF MILLS LEVIED FOR STATE, COUNTY, AND SCHOOL DISTRICT PURPOSES.

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30 SECTION 2. SECTION 23-1-105, MCA, IS AMENDED TO READ:

1 **"23-1-105. Fees and charges.** (1) The department may levy and collect reasonable fees or other
2 charges for the use of privileges and conveniences that may be provided and to grant concessions that it
3 considers advisable, except as provided in subsection (2). All money derived from the activities of the
4 department, except as provided in subsection (5), must be deposited in the state treasury in a state special
5 revenue fund to the credit of the department.

6 (2) (a) The department may establish day-use fees payable by nonresident users. During the period
7 in which a levy is authorized in [section 1], residents of the state may not be charged for day use of state parks.

8 (b) Overnight camping fees established by the department under subsection (1) must be discounted
9 50% for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and either 62 years
10 of age or older or certified as disabled in accordance with rules adopted by the department.

11 (3) For a violation of any fee collection rule involving a vehicle, the registered owner of the vehicle at
12 the time of the violation is personally responsible if an adult is not in the vehicle at the time the violation is
13 discovered by an authorized officer. A defense that the vehicle was driven into the fee area by another person
14 is not allowable unless it is shown that at that time, the vehicle was being used without the consent of the
15 registered owner.

16 (4) Money received from the collection of fees and charges is not subject to the deposit requirements
17 of 17-6-105. The department shall deposit money collected under this section within a reasonable time after
18 receipt.

19 (5) There is a fund of the enterprise fund type, as defined in 17-2-102(1)(b)(i), for the purpose of
20 managing state park visitor services revenue. The fund is to be used by the department to serve the recreating
21 public by providing for the obtaining of inventory through purchase, production, or donation and for the sale of
22 educational, commemorative, and interpretive merchandise and other related goods and services at department
23 sites and facilities. The fund consists of money from the sale of educational, commemorative, and interpretive
24 merchandise and other related goods and services and from donations. Gross revenue from the sale of
25 educational, commemorative, and interpretive merchandise and other related goods and services must be
26 deposited in the fund. All interest and earnings on money deposited in the fund must be credited to the fund for
27 use as provided in this subsection."

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29 NEW SECTION. Section 3. Effective date -- applicability. This act is effective upon approval by the
30 electorate and applies to tax years beginning January 1, 2005.

